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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. III OF 1904.

(PASSED ON THE 15TH DAY OF MARCH 1904.)

A Regulation for the Registration of Literary, Scientific and Charitable Societies.

Preamble.

Whereas it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, or for charitable purposes; His Highness the Maharaja is pleased to enact as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Societies Registration Regulation, 1904;

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the date of its first publication in the official Gazette.

Societies formed by memorandum of association and registration.

2. Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 21 of this Regulation, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint-stock Companies, form themselves into a society under this Regulation.

Memorandum of association.

3. The memorandum of association shall contain the following things (that is to say)—

the name of the society:

the objects of the society:

the names, addresses, and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, the management of its affairs is entrusted.

A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

Registration. Fees.

4. Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Regulation. There shall be paid to the Registrar for every such registration a fee of twenty rupees, or such smaller fee as the Government may, from time to time, direct; and all fees so paid shall be accounted for to Government.

5. Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint-stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society.

Annual list of managing body to be filed.

6. The property, moveable and immoveable, belonging to a society registered under this Regulation, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

Property of society how vested.

7. Every society registered under this Regulation may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Suits by and against societies.

Provided that it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant.

8. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

Suits not to abate.

9. If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, moveable or immoveable, or against the body of such person or officer, but against the property of the society.

Enforcement of judgment against society.

The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

10. Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

Recovery of penalty accruing under bye-law.

11. Any member who may be in arrear of a subscription which, according to the rules of the society, he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury or destruction of property in the manner hereinbefore provided.

Members liable to be sued as strangers.

But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society and in the latter case shall have process against the property of the said society in the manner above described.

Recovery by successful defendant of costs adjudged.

12. Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner as any person not a member would be subject and liable to in respect of the like offence.

Members guilty of offences punishable as strangers.

13. Whenever it shall appear to the governing body of any society registered under this Regulation, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Regulation, or to amalgamate such society either wholly or partially with any

Societies enabled to alter, extend or abridge their purposes.

other society, such governing body may submit the proposition to the members of the society in a written or printed report and may convene a special meeting for the consideration thereof according to the regulations of the society;

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof,

nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

Provision for dissolution of societies and adjustment of their affairs.

14. Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate; and the Court shall make such order in the matter as it shall deem requisite:

Assent required.

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Government consent.

Provided that whenever the Government is a member of, or a contributor to, or otherwise interested in, any society registered under this Regulation, such society shall not be dissolved without the consent of Government.

Upon a dissolution, no member to receive profit.

15. If upon the dissolution of any society registered under this Regulation there shall remain after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or, in default thereof, by such Court as aforesaid:

Clause not to apply to Joint-stock Companies.

Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-stock Company.

Member defined.
Disqualified members.

16. For the purposes of this Regulation a member of a society shall be a person who, having been admitted therein according to the rules and regulations thereof, shall have paid a subscription or shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Regulation no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months.

Governing body defined.

17. The Governing body of the society shall be the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society the management of its affairs is entrusted.

Registration of societies formed before Regulation.
Assent required.

18. Any society established for a literary, scientific or charitable purpose, and constituted previously to the passing of this Regulation, may at any time hereafter be registered as a society under this Regulation; subject to the proviso that no such society shall be registered under this regulation unless an assent to its being so registered has been given by three-fifths of the members present personally, or by proxy, at some general meeting convened for that purpose by the governing body.

If no governing body shall have been constituted on the establishment of the society, it shall be competent for the members thereof, upon due notice, to create for itself a governing body to act for the society thenceforth.

Such societies to file memorandum, etc., with Registrar of Joint-stock Companies.

19. In order to any such society as is mentioned in the last preceding section obtaining registry under this Regulation, it shall be sufficient that the governing body file with the Registrar of Joint-stock Companies a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 3, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

Inspection of documents.

20. Any person may inspect all documents filed with the Registrar of Joint-stock Companies under this Regulation on payment of a fee of one rupee for each inspection, and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

To what societies Regulation applies.

21. The following societies may be registered under this Regulation:—charitable societies, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museums and galleries of painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs.

P. N. KRISHNA MURTI,
Dewan of Mysore.

Notification No. 690—*Ex. F.* 6-01, *dated 7th April* 1904.

In exercise of the powers conferred by Section 29 of the Excise Regulation, V of 1901, the Government of His Highness the Maharaja of Mysore are pleased to direct with effect from 1st July 1904, the following amendments of Appendices G. and J. of Notification No. 536—Ex. F. 6-01, dated 3rd June 1902:—

(1) In para III of Appendix G, substitute "Rs. 10 for a seer of 80 tolas or annas two per tola of ganja" for "Rs. 5 for a seer of 80 tolas of ganja".

(2) In para VI (2) of Appendix J, substitute "Rs. 10 for a seer of 80 tolas or annas two per tola of ganja" for "Rs. 5 for a seer of 80 tolas of ganja".

By Order,
L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

No. 198—*Legis.* 12-03, *dated 16th April* 1904.

ERRATA.

In the Code of Criminal Procedure, Regulation II of 1904, published in Part III of the *Mysore Gazette*, dated the 31st March and the 7th and 14th April 1904:—

In the table of contents, section 215, omit the word and figures "or 214."
In the same table, after section 268, for "209" read "269."
In the same table, section 346, omit the word "Provincial."
In the same table, section 347, between the words "should" and "committed" insert the word "be."
In the same table, section 371, line 2, for "sentence" read "sentenced."
In the same table, section 376, for "annual" read "annul."
In the same table, after section 431, for "Chapter XXXIII" read "Chapter XXXII."
In the same table, section 361, for "charge" read "charged."
In the body of the Code, section 17 (4), first line, between the words "when" and "himself" insert the word "he."
In section 144 (1), first line, between the words "of" and "District" insert the word "a."
In section 167 (2), third line, for "accuse" read "accused."
At the beginning of the last line of Illustration to section 233, insert the word "A."
In Illustration (b) to section 235, second line, for "wliht" read "with."
In Illustration (a) to section 239, first line, insert a full stop after the word "murder."
In section 245 (1), third line, enclose the words "if he thinks fit" within brackets.
In sub-section (2) of the same section, first line, for "II" read "If."
In section 332 (1), third line, for "summonses" read "summons."
In section 373, third line, for "those" read "whose."
In section 425 (1), fourth line, insert a *coma* after the word "finding," and the word "or" after the word "sentence."
In section 541 (3), fourth line, for "shall he" read "he shall."
In section 561 (2), first line, for "deem" read "deems."
In the second schedule, against section 124A, in the 7th column, for the word "for" in the fourth line, read "of," and for the word "of" in the fifth line, read "for"; also in column 8, second line, substitute a *coma* for the word "or."
In the same schedule, against sections 131, 133, 135 and 136, in the second column, for the words "officer or soldier," wherever they occur, read "officer, soldier or sailor."
In the same schedule, against section 198, in column 4, insert the word "Ditto."
In the same schedule, against section 437, in the second column, third line, for "docked" read "decked," and in the last column, for "Ditto" read "Court of Session."
In the same schedule, against section 449, in column 7, first line, for "of" read "for."